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**REMARKS**

Claims 30, 31 and 33-37 are pending and being examined. Herein, Applicants have amended claims 30 and 37, cancelled claim 36 and added new claims 38-49. Accordingly, claims 30, 31, 33-35 and 37-49 are pending.

Support for amended claims 30 and 37 and new claims 38-49 may be found in the claims and specification as originally filed. Accordingly, these changes do not involve new matter and Applicants respectfully request entry of these changes.

Support for amended claim 30 may be found in the specification as originally filed at page 5, lines 9-11; page 12, lines 26-27; and page 32, lines, 12-16.

Support for amended claim 37 may be found in the specification as originally filed at page 5, lines 9-11; page 12, lines 26-27; and page 32, lines, 12-16.

Support for new claim 38 may be found in the specification as originally filed at page 31, lines 8-22; page 32, lines 9-10; page 33, lines 35-37; page 34, lines 1-5; and page 36, lines 12-36.

Support for new claim 39 may be found in the specification as originally filed at page 6, lines 16-18 and page 29, lines 25-26.

Support for new claim 40 may be found in the specification as originally filed at page 31, lines 8-22; page 32, lines 9-10; page 33, lines 35-37; page 34, lines 1-5; and page 36, lines 12-36.

Support for new claim 41 may be found in the specification as originally filed at page 31, lines 8-22; page 32, lines 9-10; page 33, lines 35-37; page 34, lines 1-5; page 36, lines 12-37; page 37, lines 1-3.

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Support for new claim 42 may be found in the specification as originally filed at page 2, lines 2-7, page 31, lines, 8-12; and originally filed Figure 7.

Support for new claim 43 may be found in the specification as originally filed at page 2, lines 10-12 and page 36, line 20.

Support for new claim 44 may be found in the specification as originally filed at page 37, lines 10-12.

Support for new claim 45 may be found in the specification as originally filed at page 30, lines 11-12 and page 36, lines 30-31.

Support for new claim 46 may be found in the specification as originally filed at page 32, lines 9-11.

Support for new claim 47 may be found in the specification as originally filed at page 6, line 7 and page 16, lines 9-11.

Support for new claim 48 may be found in the specification as originally filed at page 16, lines 26-31.

Support for new claim 49 may be found in the specification as originally filed at page 49, lines 20-21.

Entry of these amendments and the foregoing remarks in the file of the above-captioned patent application is respectfully requested.

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#### **ITEMS 1-5: CLAIMS STATUS**

At page 2 of the Office Action, the Office indicated that Applicants Request for Continued Examination filed on May 8, 2007 has been entered. Further, the Office has indicated that claims 1-29 and 32 were cancelled, claims 30 and 33-35 were amended and claims 36-37 were added. Accordingly, claims 30-31 and 33-37 are pending and under consideration. No response is due.

#### **ITEM 6: WITHDRAWN REJECTION**

At page 2 of the Office Action, the Office indicated that all of the objections and rejections in the previous Office Action, mailed on December 11, 2006 are withdrawn unless otherwise indicated below. No response is due.

#### **ITEM 7: RESPONSE TO ARGUMENTS**

At page 3 of the Office Action, the Office objected to the specification at page 39 as containing the hyperlink [www.genweb.com](http://www.genweb.com).

In compliance with the Office's request, Applicants amended the specification at page 39, to recite world wide web.genweb.com, see *supra*.

#### **ITEMS 8-10: REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH**

(A) At pages 3-4 of the Office Action, the Office rejected claim 36 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Office alleges that the presently claimed detectable markers of claim 36 are not disclosed in the specification as-filed in the context of a detection method that is performed in a subject, i.e. *in vivo*.

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Applicants respectfully disagree. However, to further the prosecution of the instant application, Applicants have herein cancelled claim 36. Accordingly, the rejection is moot and Applicants respectfully request that the Office withdraw the rejection.

(B) At pages 4-8 of the Office Action, the Office has rejected claims 30-31 and 33-37 under 35 U.S.C. §112, first paragraph, as allegedly not enabled for said method of detecting a disease state in a subject comprising administering an immunoconjugate comprising an antibody variant.

Applicants respectfully disagree. However, to further the prosecution of the instant application, Applicants have amended the claims to cancel the recitation of "variants". Accordingly, the rejection is moot and Applicants respectfully request that the Office withdraw the rejection.

**ITEM 11: REJECTION UNDER 35 U.S.C. §102(e)**

At pages 8-9 of the Office Action, the Office has rejected claims 30-31 and 33-37 under 35 U.S.C. §102(e) as allegedly anticipated by Ali et al., (US 2005/0147556 A1) (hereafter Ali '556).

Applicants respectfully disagree.

MPEP §706.02(a) provides the following:

Revised 35 U.S.C. §102(e) has two separate clauses, namely, 35 U.S.C. §102(e)(1) for publications of patent applications and 35 U.S.C. 102(e)(2) for U.S. patents. ...Under revised 35 U.S.C. §102(e), an international filing date which is on or after November 29, 2000 is a United States filing date if the international application designated the United States and was published by the World Intellectual Property Organization (WIPO) under the Patent Cooperation Treaty (PCT) Article 21(2) in the English language. Therefore, the prior art date of a reference under 35 U.S.C. 102(e) may be the international filing date (if all three conditions noted above are met) or an earlier U.S. filing date for which priority or benefit is properly claimed. ...International applications, which: (1) were filed

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prior to November 29, 2000, or (2) did not designate the U.S., or (3) were not published in English under PCT Article 21(2) by WIPO, may not be used to reach back (bridge) to an earlier filing date through a priority or benefit claim for prior art purposes under 35 U.S.C. 102(e).

Ali '556 is a publication of U.S. Serial No. 10/929,973, filed on August 30, 2004 which claims priority to U.S. Serial No. 09/807,200 filed on May 29, 2001 (now U.S. Patent No. 6,960,433), and is in a continuity chain of PCT/US99/23764 filed October 18, 1999 and U.S. Serial No. 60/104,741, filed on October 19, 1998.

Under Section 102(e), Ali '556 can be available as prior art only as of the filing date of U.S. Serial No. 09/807,200, namely, May 29, 2001. This is because Ali '556 is in a continuity chain of PCT/US99/23764 filed October 18, 1999, whose filing date is before November 29, 2000, the cut off date for implementation of the Nov. 2, 2002 CREATE Act (MPEP §706.02(f)(1)).

Since Applicants are entitled at least their filing date of December 16, 1999 and since the priority §102(e) date of the cited Ali '556 is May 29, 2001, Ali '556 is not a prior art to the pending claims.

Accordingly, Applicants respectfully request that the Office withdraw the rejection.

#### **ITEMS 13-15: DOUBLE PATENTING REJECTION**

At pages 9-12 of the Office Action, the Office has issued:

- (i) a provisional obviousness-type double patenting rejection alleging that claims 30-31 and 33-37 are unpatentable over claims 30-36 of the co-pending application U.S. Serial No. 10/895,183;
- (ii) an obviousness-type double patenting rejection alleging that claims 30-31 and 34-37 are unpatentable over claims 10-11 of U.S. Patent No. 6,682,902.

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Regarding (i) above, Applicants respectfully point out that claims 30-36 of co-pending application U.S. Serial No. 10/895,183 have been cancelled without prejudice.

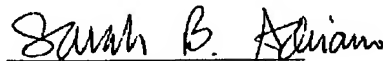
Regarding (ii) above, Applicants respectfully point out that this issue is not ripe. Applicants will revisit this issue at the appropriate time, i.e., when the Patent Office allows the overlapping claims in the subject application.

### CONCLUSION

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants undersigned attorney invites the Examiner to telephone her at the number provided below.

No fees, other than \$700.00 for excess claims fee and extension of time fee, are due in connection with this Amendment. However, if further fee is deemed necessary, Applicants authorize the Patent Office to charge the fee to the Deposit Account No. 50-0306.

Respectfully submitted,



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